

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE GUADALUPE CAZARES-HERNANDEZ,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

PRISONER HABEAS CORPUS
28 U.S.C. § 2255

CRIMINAL ACTION NO.
1:21-cr-00324-LMM-CMS-1

CIVIL ACTION NO.
1:22-cv-4373-LMM

ORDER

This matter is before the Court on Petitioner’s motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, Dkt. No. [21], and the Magistrate Judge’s Report and Recommendation on the motion, Dkt. No. [27].¹ No objections have been filed in response to the Magistrate Judge’s Report and Recommendation.

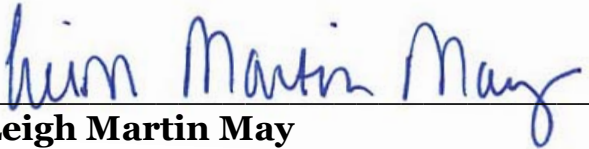
Therefore, in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the Court has reviewed the Magistrate Judge's Recommendation for clear error and finds none. Accordingly, the Court

¹ The record citations refer to the case numbers appearing on the criminal docket.

ADOPTS the Magistrate Judge's Report and Recommendation, Dkt. No. [27], as the opinion of the Court: Petitioner's § 2255 motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, Dkt. No. [21], petition is **DENIED**, and no certificate of appealability shall issue.²

The Clerk is **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED this 26th day of May, 2023.



Leigh Martin May
United States District Judge

² Petitioner is advised that he may not appeal the denial of a certificate of appealability but may seek a certificate from the Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure. 28 U.S.C. foll. § 2255, Rule 11(a).